From: Glenn Maxey
To: Microsoft ATR
Date: 12/12/01 2:57pm
Subject: Microsoft Settlement

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Whereas you can go after Microsoft for its business dealings in the
past, the settlements do nothing to resolve the issues of the future.

As far as consumers are concerned, our true grievances against Microsoft
are:

- data incompatibility and proprietary formats.
- unresponsiveness in fixing long-standing software problems.
- circumventing and deliberately polluting open standards.
- opening the door to trampling our rights.

The punishment/resolutions to Microsoft should be:

- Forcing open both their APIs and their source code using a Software
Public Libary.
- Forcing adherence to open published standards.
- Forcing support for the life of hardware.

The benefit to the consumer:
 ** hardware can be supported much longer.
 ** software does what you need it to do.
 ** custom software is affordably available.
 ** your data remains compatible.
 ** you can do it yourself if you're so inclined.

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Forcing open both their APIs and their source code.
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The concept of a Software Public Libary is that all published software
(Microsoft or otherwise) should be required [by international law] to be
available in the library: executables, DLL's, object, and [XML tagged
and commented] source code.

Most executables, DLL's, and objects cost money to download. The money
is collected either through direct online purchases or maintenance
agreements. The charge for executables depends on the level of testing
and certification performed before being made available.

The source code should cost little (or nothing) to download, because
small royalties can be imposed on all for-profit derivative products.
Although the person should have to register themselves and agree to some
limitations, they are free to make improvements to the software and to
write new software that more fully integrates into what already exists.
Improvements to the software can be checked back into the library and
made available to others.

Anybody writing improvements to code can collect proportional royalties
on their incremental improvement based on actual new/altered code and
the level of testing/certification it passed. Because all published
software works need to be in the library, any code that is re-used or
borrowed from another product can have proportional royalties diverted
off of the new product to compensate those initial efforts for a limited
period of time (say, 7 years from its first publication date which was
the spirit of the original copyright laws).

Various rules can be put in place that protect source code exposure for
a short time limit (unless appropriate fees/royalties are paid) or that
limit check-in of altered source code (unless the new implementation is

truly unique and better). Existing software source control tools can
easily test for uniqueness while benchmark performance and usability
tests can also verify improvement.

Microsoft makes money by being the software integrator, tester, and
certifier. An external oversight committee helps manage and schedule
which fixes coming from various sources need to be integrated so that it
doesn't become a Microsoft-only shop.

Any code coming from others that hasn't been integrated, tested, or
certified would still be available in the library, but at reduced
prices. Independent Software Developers can make money off of royalties
coming from their improvements to products. Consumers benefit by getting
more rebust code that supports new and old hardware platforms and
software releases.

Because proportional royalties are paid for derivative products -- no
revenue lost --, there would be less incentive for proprietary
solutions. If
the solution works, is open, and nobody is being ripped off for their
creative efforts, there would be less incentive to "re-invent the wheel"
and
more incentive "to spend our time building on what already works."

This is what the consumer wants.

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Forcing adherence to open published standards.
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People are putting their lives into the digital realm, from family
histories to the digital family albums to e-mail correspondence and love
letters... not to mention the family videos soon to appear on DVD. Is
the digital electronic age taking our histories to hell in a hand
basket?

Microsoft has been the ultimate drug dealer. The bloat of their software
has necessitated upgrading hardware. However, the true nicotine in the
Microsoft\Intel addiction is data incompatibility and proprietary
formats.

Microsoft is leading us very much astray. They constantly force us to
upgrade. Like junkies needing a fix, if you don't upgrade, you are left
out and can't even work. We're literally losing touch with our
(personal) history, because corporations like Microsoft force us to
upgrade beyond the technical ability to go back and review what was done
before.

Microsoft among others are doing all in their power to steal our
personal information, our personal data, and our personal correspondence
by locking them in proprietary data formats. (Windows XP adds yet
another wrinkle to stealing personal information.)

My personal data and correspondence needs to more accessible (by me),
not less. It is, afterall, **MY** address book, **MY** e-mails, and
MY information. It is bad enough fighting 5.25" floppies, 3.5"
floppies, CD-ROM's, and zip disks. But Microsoft deliberately encodes my
information into formats that require Microsoft tools and upgraded
hardware to do anything with.

Microsoft has a history of polluting open standards (HTML, Java, XML,
MP3...). It is one thing to propose improvements to the standard boards;
it is another to forge ahead with a solution in parallel that creates
confusion and incompatibilities in the market place.

Look at how little and/or poorly Microsoft supports HTML/XML. What
happened to the push towards true OPEN STANDARDS that are independent of

tools? I shouldn't have to have a Microsoft hammer and Microsoft wrench set in order to fix my data house.

For no **good** reason, Microsoft implemented non-standard Java. They produce the absolute worst HTML code and are poised to non-standardized the already standard-approved XML.

MP3 is the first format that can truly start to transcend the limitations of the hardware format. It can be at home on a website, on a computer, on a CD-ROM, on a walkman-type player, on a home stereo system, as an e-mail attachment... MP3 made it possible to get music that the big music industry would not produce or would not re-release because of low volumes and marginal revenues.

And now Microsoft Windows XP has its own media player format which limits where you can play your music and for how long. Microsoft obviously agreed to help enforce digital rights management (DRM) with their XP operating system. This helps out the very powerful music and movie lobbies.

Consumers benefit by having standards, because it frees them in the selection of a vendor.

When we talk about civil liberties and freedom of speech, we should realize that propietary data formats attack those very tenants. We need a combination Declaration of Independence and Emacipation Proclaimation for the user-data. "... All user-defined data is considered equal and has certain unalienable rights, one of which is the freedom of religion (...err, operating systems and editors). Data conversion is a form of taxation without representation, particularly when information gets lost in the process or when you have to pay extra for the feature. All data belongs to the user and not to the tool or tool vendor that created the data."


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Forcing support for the life of hardware.
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Software and hardware manufacturers should support the true lifetime of a machine.

A computer isn't normally exposed to the elements and has few moving parts. It should theoretically last longer than a car. Microsoft doesn't make it easy to get over America's negative reputation as a throw-away society.

We should still be finding worthwhile uses for that old computer hardware. We should still be programming for those old processors. The tragic state of high-tech today is that you can barely even **give away** your old computer, because you can't get equipment or newer software.

Having Public Software Libraries is a start to keeping old hardware viable in today's world.


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================================================================
Opening the door to trampling our
rights.============================================================
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Look through the license agreement provided by Microsoft for Windows XP. Not quoted exactly and emphasis added, parts of their license agreement state:

"Microsoft may collect and use techical information gathered *in any manner* as part of the product support services... Microsoft and their

affiliates may disclose this information to others, but not in a form
that personally identifies you... Microsoft may use this information to
improve their products or to provide customized services or technologies
to you."

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By stating that Microsoft can gather information "in any manner", they
give themselves permission to sort through my trash and bug my telephone
line. With Remote Assistance, they can put things on my computer without
me knowing it. Whenever I'm online, their "in any manner" programs will
be running in the background and communicating with their hosts.

Cookies are technical information. Just by viewing what files are
present and processing the cookies on my machine, they can come up with
a pretty good profile of who I am, where I've been online, what I've
purchased, etc. They can pass this on to e-mail spammers and
telemarketers -- after filtering my name. Spammers and telemarketers
don't need to know my name in order to provide "customized services" to
me; they figure that I'll give them my name when I actually order. In
any event, we all become easy targets for the advertising and marketing
industry.

Who needs carnivore if you've got Windows XP? Why did the government
back down against Microsoft?

Microsoft Windows XP now has the power to monitor and enforce what is on
everybody's computer. This is more powerful than carnivore. In the near
future, you can bet that one of the "customized services" that Microsoft
will be providing you might be a couple of cops knocking on your door to
take you away... if a routine remote search on your computer turned up
unregistered programs, bootleg MP3s, controversial material,
questionable associations in your Outlook address book...

OPENING UP the source code is the only way to guard against having
software trample our rights in background processes without our knowing
it from "leased" and soon-to-be "rented" Microsoft software.

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